IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1685 OF 2004

Nimish N. Rokadia ....Applicant.
V/s
M/s.Pharma Medico (I) Ltd. & Anr... .....Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court' s orders or directions and Registrar's orders.	Court's or Judge' s Orders

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Mr.Ganesh Gole, Adv. for the applicant.

Mrs.P.H. Kantharia, APP for the State.

CORAM:V.G. PALSHIKAR, J.
21.6.2005.

PC:

By this petition the petitioner has impugned the order passed by the Additional Sessions Judge, rejecting revision application against the order passed by the learned trial Judge refusing to recall the process. Reliance is now placed on a judgment of the Supreme Court of India by which it is now held that there is no power of recalling the order to the Magistrate once it is passed under Criminal Procedure Code. However without going into that aspect of

the matter it is obvious that complainant also has right to put his case before the Court. The present proceedings are under section 138 of Negotiable Instruments Act. The applicant in the present case can plead before the learned trial Judge for acquittal and does have further opportunities of challenging the order if passed adverse to his interest. That being the position, I see no reason to interfere. Petition dismissed.

21.6.2005